

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES EDWARD SCOTT, III,
Plaintiff,
v.
MELISSA MICHELL, et al.,
Defendants.

Case No.: 3:23-cv-00231-ART-CLB

ORDER
(ECF No. 1)

On June 1, 2023, pro se plaintiff James Edward Scott, III, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. Plaintiff, however, has not paid the full \$402 filing fee for a civil action or applied to proceed *in forma pauperis*.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

1 It is therefore ordered that Plaintiff has **until August 21, 2023** to either pay the full
2 \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
3 three required documents: (1) a completed application with the inmate's two signatures
4 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
5 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
6 previous six-month period.

7 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
8 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
9 refile the case with the Court, under a new case number, when Plaintiff can file a complete
10 application to proceed *in forma pauperis* or pay the required filing fee.

11 The Clerk of the Court is directed to send Plaintiff James Edward Scott, III, the
12 approved form application to proceed *in forma pauperis* for an inmate and instructions for
13 the same, and to retain the complaint (ECF No. 1) but not file it at this time.

14 DATED THIS 20th day of June 2023.

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UNITED STATES MAGISTRATE JUDGE